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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P (S) No.6362/2007

PETITIONER Vinay Prakash Toppo, aged about 32 years, Son of Shri Prabhas Toppo, Occupation Police Constable, Government Railway Police, Permanent resident of Village Bhimdongri, Police Station Motinala, District Mandla (C.G.) Present Address : House No.D/2, Second Battalion Sakri, Bilaspur (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through : The Secretary, Home Affairs (Police) Department, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. The Director General of Police, State of Chhattisgarh, Police Headquarters, Raipur (C.G.)
3. The Deputy Inspector General of Police, Rail, Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri P.K.C. Tiwari, Sr. Advocate with Shri Rakesh Thakur, Counsel for the petitioner.
Shri Satish Gupta, Dy. Govt. Advocate for the State/respondents No.1, 2 & 3 on advance copy.

ORAL ORDER
(05.11.2007)

SUNIL KUMAR SINHA, J.

Heard.

Learned senior counsel for the petitioner submits that the petitioner was appointed in G.R.P. by Superintendent of Police (Rail), Indore, vide order dated 16.8.2000 (Annexure P/2) and after reorganization of the State of M.P., he was allocated to the State of C.G. by order dated 09.11.2006. After allocation, he has been transferred and posted at Police Station, Bijapur, which is not a Railway Police Establishment. His submission is that Railway Police Establishment and District Police Establishment are two different establishments and a person cannot be posted

simply from one establishment to another establishment and if he is to be posted to another establishment, recourse of method of deputation has to be adopted. He submits that a representation has already been filed by the petitioner vide Annexure P/9 on 10/09/2007, but the same has not been decided so far.

I have heard learned counsel for the parties and have also perused the appointment order as well as allocation order of the petitioner.

After going through the contents of the writ petition as also the documents referred to above, in the opinion of this Court, the ends of justice would be served, if the petitioner is directed to file a fresh representation before the Director General of Police, State of Chhattisgarh, Police Headquarters, Raipur (C.G.) - respondent No.2 and respondent No.2 is directed to dispose of the said representation.

Accordingly, it is directed that if so advised, the petitioner may file a fresh copy of the representation along with a copy of the writ petition and a copy of this order before the concerned authority-respondent No.2 within a period of 15 days from today and if such a representation is filed, the concerned authority shall dispose of the same as early as possible preferably within a period of one month from the date of filing of the said representation in accordance with the rules.

With the aforesaid observation/direction, this petition stands disposed of.

Sd/-
Sunil Kumar Sinha
Judge

Shyna